

Introduced by Senator Poochigian

February 24, 2006

An act to add Section 667.2 to the Penal Code, relating to sentencing.

LEGISLATIVE COUNSEL'S DIGEST

SB 1664, as introduced, Poochigian. Sentencing: enhancements: repeat illegal aliens.

Existing law provides for enhanced sentences when a person has certain specified prior convictions.

This bill would provide for an additional 10-year term of imprisonment for a person previously convicted of a felony offense for which he or she was deported.

Because this bill would create a new sentencing allegation which must be pled and proved and additional penalties for certain crimes, it would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 667.2 is added to the Penal Code, to
2 read:

1 667.2. (a) Any person convicted of a felony who has
2 previously been convicted of a felony within the State of
3 California for which he or she was deported from the United
4 States shall receive a 10-year enhancement for each prior
5 conviction causing deportation. The term shall be served
6 consecutively to any other term of imprisonment and shall
7 commence from the time the person otherwise would have been
8 released from imprisonment.

9 (b) The prior felony conviction and deportation arising
10 therefrom must be alleged and proved. It may be proven by any
11 admissible evidence, including judicial notice of the court's own
12 record of conviction or other documentary evidence.

13 (c) Penalties imposed under subdivision (a) may not be
14 stricken or reduced by early release credits and are probation
15 ineligible.

16 SEC. 2. No reimbursement is required by this act pursuant to
17 Section 6 of Article XIII B of the California Constitution because
18 the only costs that may be incurred by a local agency or school
19 district will be incurred because this act creates a new crime or
20 infraction, eliminates a crime or infraction, or changes the
21 penalty for a crime or infraction, within the meaning of Section
22 17556 of the Government Code, or changes the definition of a
23 crime within the meaning of Section 6 of Article XIII B of the
24 California Constitution.